

or unless the grounds for such objection arose after such period. Contact Ward Burns, U.S. EPA, Region 7, Air Permitting and Compliance Branch, 11201 Renner Blvd., Lenexa, KS 66219, 913-551-7960, to determine when the 45-day EPA review period ends and the 60-day petition period commences.

Susan Mosier, M.D.  
Secretary of Health  
and Environment

Doc. No. 044728

## State of Kansas

### Department of Health and Environment

#### Request for Comments

The Kansas Department of Health and Environment (KDHE) is soliciting comments regarding a proposed air quality operating permit. Johns Manville has applied for a Class I operating permit renewal in accordance with the provisions of K.A.R. 28-19-510 et al. The purpose of a Class I permit is to identify the sources and types of regulated air pollutants emitted from the facility; the emission limitations, standards and requirements applicable to each source; and the monitoring, record keeping and reporting requirements applicable to each source as of the effective date of permit issuance.

Johns Manville, 717 17th St., Denver, CO 80202, owns and operates a wool fiberglass insulation manufacturing facility located at 1465 17th Ave., McPherson, KS 67460.

A copy of the proposed permit, permit application, all supporting documentation, and all information relied upon during the permit application review process are available for public review during normal business hours, 8 a.m. to 5 p.m., at the KDHE, Bureau of Air (BOA), 1000 S.W. Jackson, Suite 310, Topeka, and at the North Central District Office (NCDO), 2501 Market Place, Suite D, Salina. To obtain or review the proposed permit and supporting documentation contact Lynelle Ladd, 785-296-1719, at the KDHE central office or Joshua Webb, 785-827-9639, at the NCDO. The standard departmental cost will be assessed for any copies requested.

Written comments or questions regarding the proposed permit may be directed to Lynelle Ladd, KDHE, BOA, 1000 S.W. Jackson, Suite 310, Topeka, KS 66612-1366. In order to be considered in formulating a final permit decision, written comments must be received no later than noon Monday, September 12, 2016.

A person may request a public hearing be held on the proposed permit. The request for a public hearing shall be in writing and set forth the basis for the request. The written request must be submitted to Lynelle Ladd, KDHE, BOA, no later than noon Monday, September 12, 2016 in order for the secretary of Health and Environment to consider the request.

The U.S. Environmental Protection Agency has a 45-day review period, which will start concurrently with the public comment period, within which to object to the proposed permit. If the EPA has not objected in writing to the issuance of the permit within the 45-day review period, any person may petition the administrator of the EPA to review the permit. The 60-day public petition pe-

riod will directly follow the EPA's 45-day review period. Interested parties may contact KDHE to determine if the EPA's 45-day review period has been waived.

Any such petition shall be based only on objections to the permit that were raised with reasonable specificity during the public comment period provided for in this notice, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period. Contact Ward Burns, U.S. EPA, Region 7, Air Permitting and Compliance Branch, 11201 Renner Blvd., Lenexa, KS 66219, 913-551-7960, to determine when the 45-day EPA review period ends and the 60-day petition period commences.

Susan Mosier, M.D.  
Secretary of Health  
and Environment

Doc. No. 044729

## State of Kansas

### Department of Health and Environment

#### Notice of Public Hearing on Proposed Administrative Regulations

The Kansas Department of Health and Environment (KDHE), Division of Environment, Bureau of Air, will conduct a public hearing at 10 a.m. Thursday, October 13, 2016, in the Azure Conference Room, fourth floor, Curtis State Office Building, 1000 S.W. Jackson, Topeka, to consider the adoption of proposed amended air quality regulations K.A.R. 28-19-11, 28-19-300 and 28-19-304. Upon adoption of these proposed amended regulations, KDHE will submit these regulations to the U.S. Environmental Protection Agency (USEPA) for approval into the State Implementation Plan (SIP).

A summary of the proposed regulations and the estimated economic impact follows.

#### Summary of Regulations:

**K.A.R. 28-19-11.** KDHE proposes to amend K.A.R. 28-19-11 to comply with the USEPA SIP call and avoid a Federal Implementation Plan if the state does not comply. Amendments remove the authority of KDHE to declare excess emissions from a startup, shutdown, malfunction or scheduled maintenance event "not a violation" of applicable emission limitations and standards.

**K.A.R. 28-19-300.** KDHE proposes to amend K.A.R. 28-19-300 to implement the revised National Ambient Air Quality Standard (NAAQS) for Fine Particulate Matter (PM<sub>2.5</sub>) and to clarify and refine applicability criteria for sources subject to the Kansas Minor New Source Review (NSR) permitting program.

**K.A.R. 28-19-304.** KDHE proposes to amend K.A.R. 28-19-304 to update the NSR preconstruction permitting program fee structure from an estimated capital cost mechanism to one based on complexity of source and permit type. Current preconstruction permitting fees were established January 23, 1995, and have not been amended or evaluated since inception.

(continued)

**Economic Impact:**

The proposed amendments impose no additional costs to the implementing agency, other governmental agencies, units, or the general public.

Costs to the regulated community and consumers: Sources required to obtain a minor NSR construction approval or permit will incur a cost ranging from \$750 for an approval or \$1,000 to \$4,000 for a permit depending on the source category. If the source is required to obtain a Prevention of Significant Deterioration or Nonattainment NSR permit they will incur a cost ranging from \$3,000 to \$18,000 depending on the complexity of the project and the requirement for refined modeling.

The time period between the publication of this notice and the scheduled hearing constitutes a 60-day public comment period for the purpose of receiving written public comments on the proposed regulations. All interested parties may submit written comments prior to 5 p.m. on the day of the hearing to Douglas Watson, Chief, Air Monitoring and Planning Section, Kansas Department of Health and Environment, Bureau of Air, 1000 S.W. Jackson, Suite 310, Topeka, 66612-1366, by email to [dwatson@kdheks.gov](mailto:dwatson@kdheks.gov), or by fax to 785-296-7455. During the hearing, all interested parties will be given a reasonable opportunity to present their views orally on the proposed regulations as well as an opportunity to submit their written comments. In order to give each individual an opportunity to present their views, it may be necessary for the hearing officer to request that each presenter limit an oral presentation to an appropriate time frame.

Complete copies of the proposed regulations and the corresponding regulatory impact statements may be obtained from the KDHE Bureau of Air at <http://www.kdheks.gov/bar/planning/pnplanning.html> or by contacting Douglas Watson at [dwatson@kdheks.gov](mailto:dwatson@kdheks.gov), 785-296-0910 or fax 785-296-7455. Copies may also be viewed at the following locations:

- Department of Air Quality, Unified Government of Wyandotte County-Kansas City, Kansas Health Department, 619 Ann Ave., Kansas City, Kansas
- Johnson County Environmental Department, 11811 S. Sunset, Suite 2700, Olathe
- Curtis State Office Building, 1000 S.W. Jackson St., Suite 310, Topeka
- KDHE Northeast District Office, 800 W. 24th St., Lawrence
- KDHE Northwest District Office, 2301 E. 13th St., Hays
- KDHE North Central District Office, 2501 Market Place, Suite D, Salina
- KDHE South Central District Office, 130 S. Market, Suite 6050, Wichita
- KDHE Southeast District Office, 1500 W. 7th St., Chanute
- KDHE Southwest District Office, 302 W. McArtor Road, Dodge City
- Wichita-Sedgwick County Department of Community Health, 1900 E. 9th St., Wichita

Questions pertaining to the proposed regulation should be directed to Douglas Watson at the contact information above.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and the regulatory impact statements in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting Douglas Watson.

Susan Mosier, M.D.  
Secretary of Health  
and Environment

Doc. No. 044736

**State of Kansas****Board of Indigents' Defense Services****Notice on Hearing on Proposed Administrative Regulations**

A public hearing will be conducted on Tuesday, October 11, 2016, at 9 a.m. in the meeting room of the Board of Indigents' Defense Services (BIDS), Suite 500, 700 S.W. Jackson, Topeka, Kansas. The hearing is scheduled to last for 30 minutes. The hearing is to consider the adoption of proposed regulations by the Board of Indigents' Defense Services on a permanent basis.

This 60-day notice of the public hearing shall constitute a public comment period for the proposed regulations noted below. All interested parties may submit written comments prior to the hearing to BIDS, Suite 500, 700 S.W. Jackson, Topeka, KS 66603 or by email to [Pscalia@sbids.org](mailto:Pscalia@sbids.org). All interested parties will be given a reasonable opportunity to present their views orally regarding the adoption of the proposed regulations during the public hearing. In order to provide all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to an appropriate timeframe.

Any individual with a disability may request an accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statement in an accessible format. Requests for accommodation to participate in the hearing should be made *at least one week* in advance of the hearing by contacting Beth Child at 785-296-8416. The Jayhawk Hotel building is accessible for disabled persons and accessible parking is located in front of the building. A summary of the proposed regulations and their Economic Impact follow.

Copies of the full proposed regulations and the Economic Impact Statement for the proposed regulations can be obtained at BIDS, Suite 500, 700 S.W. Jackson, Topeka, KS 66603.

K.A.R. 105-5-2, K.A.R. 105-5-3, K.A.R. 105-5-6, K.A.R. 105-5-7 and K.A.R. 105-5-8 establish the hourly rate to be paid to the private attorneys who accept court appointments to defend indigent persons in the absence of a public defender. The rate to be paid to assigned counsel is increased from \$65 per hour to \$70 per hour and each of the "caps" for the severity level of the charge is similarly increased from the "cap" at \$65 per hour to the "cap" at \$70 per hour. These amendments reflect action taken by the Board under its statutory authority to adjust